

HONORABLE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DIONICIO ZURITA-RIOS,

Defendant.

CASE NO.: CR05-5695FDB

ORDER GRANTING MOTION TO
CONTINUE PRETRIAL MOTIONS
DEADLINE AND TRIAL DATE

ORDER

THE COURT having considered the stipulation of the parties and the reasons stated in the Agreed Motion to Continue Pre-Trial Motions Deadline and Trial Date, and the records and files herein, the Court hereby makes the following findings and enters the following Order:

1. The defendant, Dionicio Zurtia-Rios, was indicted in this case on September 21, 2005 with one count of Conspiracy to Distribute Heroin, Methamphetamine, and Cocaine Base; one count of Possession of Heroin with Intent to Distribute; one count of Possession of Methamphetamine with Intent to Distribute; and one count of Possession of Cocaine Base with Intent to Distribute.
2. Mr. Dionicio Zurita-Rios is currently in custody at the Federal Detention Center in SeaTac, Washington.

ORDER GRANTING MOTION TO CONTINUE PRE-TRIAL
MOTIONS DEADLINE AND TRIAL DATE - 1

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1 3. At the time of his arraignment Mr. Dionicio Zurita-Rios was given a pretrial
2 Motions cut off date of October 21, 2005 and a trial date of November 21,
3 2005.

4 4. The parties have indicated that they have been engaged in good faith efforts
5 in discussing pretrial issues, preparing for trial and settlement negotiations.

6 5. The Court finds that the parties have acted in good faith and with due
7 diligence, and the present Motion is not made for purposes of delay.

8 6. The Court finds that a failure to grant the continuance would deny counsel
9 the reasonable time necessary for effective preparation, taking into account
10 the exercise of due diligence within the meaning of 18 U.S.C. Section 3161
11 (h)(8)(A).

12 7. The Court further finds that the ends of justice will be served by ordering a
13 continuance in this case, that a continuance is necessary to insure effective
14 trial preparation and that these factors outweigh the best interests of the
15 public in a more speedy trial, within the meaning of 18 U.S.C. Section 3161
16 (h)(8)(A).

17 IT IS THEREFORE ORDERED that the Pre-Trial Motions deadline date is now
18 extended from October 27, 2005 until December 28, 2005 and the Trial date is continued from
19 November 21, 2005 until February 21, 2006.

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1 IT IS FURTHER ORDERED that the period of time from the current Trial date of
2 November 21, 2005, up to and including the new Trial date of February 21, 2006, shall be
3 excludable time pursuant to the Speedy Trial Act, 18 U.S.C. Section 3161 et seq.

4 Dated this 2nd day of November, 2005.

6 /s/ Franklin D Burgess
7 The Honorable Franklin D. Burgess
8 United States District Court Judge

9 Presented by:

10 S/ Gabriel I. Banfi

11 _____
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18 S/ David Reese Jennings
19 -----
20 _____

21 Assistant United States Attorney
22 Telephonic Approval
23 _____

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, the Proposed Order Granting Motion to Continue Pre-Trial Motions Deadline and Trial Date, which will send notification of such filing to counsel.

/S Gabriel I. Banfi
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